

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed February 26, 2004, is respectfully requested.

Art Rejections

Claims 19 and 23-28 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Barbut et al. (U.S. Patent No. 5,769,816) in view of Miller et al. (U.S. Patent No. 5,549,626) and/or Wholey et al. (U.S. Patent No. 4,723,549). Applicants respectfully argue that the above cited references are not properly combinable. Barbut describes open surgical procedures, which are not compatible with percutaneous methods. In contrast, Wholey describes a percutaneous method in which the filter is attached to the catheter. Miller describes a filter for use in the vena cava during joint replacement surgery to prevent pulmonary arterial blockage. Applicants respectfully assert that balloon occlusion would not be desirable in the vena cava in combination with the filter described in Barbut, and would be fundamentally inconsistent with the purpose of a vena cava filter.

Claims 19 and 23-28 were also rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over USSR 764684 in view of Daniel et al. (U.S. Patent No. 5,814,064) and/or Kerr (U.S. Patent No. 5,941,896). Applicants respectfully argue that neither Daniel nor Kerr are prior art. As stated in our response filed on November 14, 2001, this application claims priority to U.S. Application Serial No. 08/645,762, filed on May 14, 1996. Support for the pending claims can be found in the '762 application at, e.g., page 6, line 15 – page 7, line 5; page 20, lines 15-30; page 25, line 3 – page 26, line 20; page 33, lines 5-29; page 34, line 28 – page 35, line 22;

and Fig. 11. Daniel et al. was filed on March 6, 1997 and issued on September 29, 1998. Similarly, Kerr was filed on December 16, 1997 and issued on August 24, 1999. Therefore, Applicants respectfully request withdrawal of the rejections and reconsideration of the pending claims.

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicants' undersigned representative at (949)737-2900. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,
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